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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,511	02/04/2004	Takao Kasai	4670-0102P	1770
2292 7590 01/31/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER KIDWELL, MICHELE M	
			ART UNIT 3761	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/31/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/31/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/770,511

Applicant(s)

KASAI, TAKAO

Examiner

Michele Kidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulte et al. (US 6,166,285

With respect to claims 1 – 4, Schulte discloses a diaper 20 having an impermeable back sheet/outer layer 42 and a permeable top sheet 38 covering absorbent core 44 and forming the barrier cuff (column 8, lines 11-16, column 10, lines 53-59, figures 1-2), wherein a skin care composition 72 is disposed on each barrier cuff 62 and on the top sheet 38 that contacts the wearer's skin (column 8, lines 26-37, column 11, lines 25-33, figures 1 and 3); wherein the first skin care composition 72 is disposed above a second skin care composition 72" to be transferred to the skin to reduce irritation during use (column 19, lines 31-47, column 19, line 65-column 20, line 7) and wherein the compositions comprise different agents to provide unique skin care benefits to different areas of the wearer (column 21, lines 62-65), and includes an oily agent such as cocoa butter (column 25, lines 16-40) or polyhydroxy fatty acid monoamines (column 31, lines 20-48) and a water soluble agent such as aloe vera plant extract (column 33, lines 1-28)

Claim Rejections - 35 USC § 103

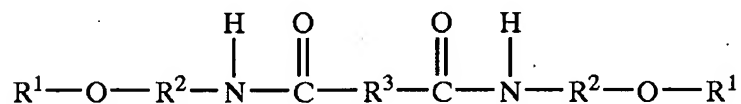
Claims 5 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte in view of Hoshino et al. (US 6,685,953) and further in view of Ptchelintsev et al. (US 5,834,513).

As to claims 5 – 9, Schulte discloses the absorbent diaper with mono-amide derivative oily skin care agent as discussed above with respect to claim 1.

Schulte further discloses a method of improving skin health using the skin care composition aforementioned (column 38, lines 10-40).

The difference between Schulte and claim 5 is the provision that the diamide formula is specifically as claimed.

Hoshino discloses a dermatologic preparation for preventing akin chaffing that can be incorporated into a carrier base material (column 7, lines 4-14) in the form of lotion or other forms (column 7, lines 37-44) that has the diamide derivative formula as shown below:



wherein R1 represents a linear or branched hydrocarbon group having 1 to 22 carbon atoms which may be substituted by one or more hydroxyl and/or alkoxy groups, R2 represents a linear or branched divalent hydrocarbon group having 1 to 12 carbon atoms, and R3 represents a linear or branched divalent hydrocarbon group having 1 to 42 carbon atoms (column 2, lines 2-14). One would be motivated to modify the mono-amide skin care composition disposed on absorbent of Schulte with the diamide formula

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of Hoshino to provide a healing skin care composition since it is known that mono-amide derivatives can be substituted for diamide derivatives for treating skin as supported by Ptchelintsev (column 3, lines 10-58) and since the references are in the same problem-solving area; amide skin treating compositions. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the skin care composition disposed on the absorbent, thus providing a the diamide derivative with the aforementioned formula for improved skin care health.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michele Kidwell
Primary Examiner
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